

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JOSE L. OLIVA,

Plaintiff,

v.

UNITED STATES OF AMERICA; MARIO
J. NIVAR; HECTOR BARAHONA; and
MARIO GARCIA,

Defendants.

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EP-18-CV-00015-FM

ORDER VACATING TRIAL AND STAYING CASE PENDING APPEAL

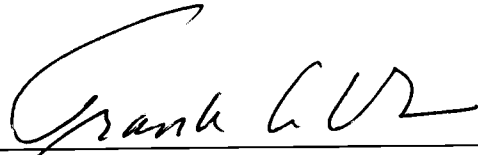
Before the court is “Defendants Mario J. Nivar, Hector Barahon [sic], and Mario Garcia’s Joint Notice of Appeal” [ECF No. 87], filed August 22, 2019 by Defendants Mario J. Nivar, Hector Barahona, and Mario Garcia (“the Officers”). Therein, the Officers give notice to the court of their intention to appeal “Order Denying Motion for Summary Judgment [ECF No. 80]” [ECF No. 86], entered August 20, 2019.¹

According the court enters the following orders:

1. It is **HEREBY ORDERED** the Jury Trial set for September 16, 2019 is **VACATED**.
2. It is **FURTHER ORDERED** that the above-captioned cause is **STAYED** pending appeal to the Fifth Circuit.
3. It is **FURTHER ORDERED** that the Clerk of Court **SHALL** administratively close the above-captioned cause until the appeal is resolved.

SO ORDERED.

SIGNED this 23 day of August, 2019.



FRANK MONTALVO
UNITED STATES DISTRICT JUDGE

¹ Defendants Mario J. Nivar, Hector Barahon [sic], and Mario Garcia’s Joint Notice of Appeal” 1, ECF No. 87, filed Aug. 22, 2019; “Order Denying Motion for Summary Judgment [ECF No. 80],” ECF No. 86, entered Aug. 20, 2019.